

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CHRISTOPHER ALLAN FETTE,

Petitioner,

Case No. 4:20-cv-10020

Hon. Matthew F. Leitman

v.

CONNIE HORTON,

Respondent.

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**ORDER DIRECTING PETITIONER TO FURNISH RECORDS**

This is a habeas case brought by Michigan prisoner Christopher Allan Fette. Among other things, Petitioner claims that his guilty plea in state court was involuntary due to his mental illness and learning disabilities. Petitioner indicated that medical records supporting this claim were attached to his petition, but they were not included in the copy of the petition filed with the Court. Furthermore, Respondent filed a motion to dismiss the petition on statute of limitations grounds. Petitioner asserts in his response that he is entitled to equitable tolling due to his mental illness and learning disabilities, and he refers the Court to medical records that again do not appear in any of his pleadings.

Rule 7(a) of the Rules Governing § 2254 Cases provides that the Court “may direct the record be expanded by the parties by the inclusion of additional materials relevant to the determination of the merits of the petition.” The decision whether to

expand a habeas record is within the sound discretion of the Court. See *West v. Bell*, 550 F.3d 542, 551 (6th Cir. 2008). It appears the medical records referred to by Petitioner were inadvertently omitted. Such records, if they exist, may aid the Court in resolving the issues raised in the petition and the motion to dismiss.

The Court therefore directs Petitioner to file with the Court the missing records referred to in his petition and response to Respondent's motion to dismiss by **October 30, 2020**.

**IT IS SO ORDERED.**

/s/Matthew F. Leitman  
MATTHEW F. LEITMAN  
UNITED STATES DISTRICT JUDGE

Dated: August 27, 2020

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on August 27, 2020, by electronic means and/or ordinary mail.

s/Holly A. Monda  
Case Manager  
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